

RATIONALE

**STORMWATER DISCHARGES ASSOCIATED WITH
METAL MINING OPERATIONS AND MINE-WASTE REMEDIATION**

GENERAL PERMIT IN COLORADO

THIRD RENEWAL

COLORADO DISCHARGE PERMIT NUMBER COR-040000

I. INTRODUCTION

The permit is for the regulation of stormwater runoff associated with metal mining operations and metal mine-waste remediation projects. The term "metal" is used to distinguish this permit from the general permit for coal mining with surface discharge only, the general stormwater permit for sand and gravel mining and processing (and other nonmetallic minerals), and oil shale operations covered under the general stormwater permit for light industry. Other terms are defined in the permit. This permit is also intended to cover stormwater discharges from coal mines that have individual CDPS permits for discharge of process waters.

This Rationale will briefly explain the background of the stormwater program, activities which are covered under this permit, how to apply for coverage under this permit, and the requirements of this permit.

A. Changes In Renewal Permit

1. **Small Municipal Exemption:** The previous Rationale included a discussion of the exemption from industrial stormwater permitting for small municipalities. This exemption ended as of March 10, 2003. Municipalities under 100,000 population are now subject to the same stormwater permitting requirements for their industrial facilities (e.g., gravel pits, wastewater treatment plants, construction projects) as other facility owners and operators. See <http://www.cdphe.state.co.us/wq/Permits/Unit/SW-Muni-Ind-QA.pdf> for further information. No changes were made to the permit for this item.
2. **Definitions:** Some definitions have been added or changed for clarity.
3. **Application Requirements:** The permit application requirements have changed slightly to require an email address, if available. See Part I.A.3.b.
4. **Temporary Coverage:** Part I.A.4.d of the permit dealt with temporarily covering a facility under the general permit even if an individual permit is more appropriate. This section essentially duplicated the previous section, and so it has been deleted.
5. **Stormwater Management Plan (SWMP):**
 - a. **Compliance Schedule:** For newly certified facilities, if the SWMP prepared in conjunction with the permit application requires a compliance schedule, it generally shall not exceed **60 days**. See Part I.B. and Part I.C.
 - b. **Site Map:** The requirements for the SWMP have been changed to add several items to the site map. If a permittee's existing SWMP does not already contain these items, the plan must be amended to comply with these changes, by December 1, 2006. See Part I.B.3 and I.C.2.
 - c. **Stormwater Management Controls, Inactive Mines Only:** This section has been expanded slightly to require a SWMP administrator to be identified, and to require a more complete list of stormwater controls. In addition, for inactive mining sites where mine remediation or other activities are occurring, the SWMP must also include other sections from the SWMP requirements for active mines, as applicable. See Part I.C.3.b.

I. INTRODUCTION

- d. **SWMP Certification:** The previous permit included a requirement that the copy of Stormwater Management Plan that remains at the facility had to include the certification language and signature. This requirement has been deleted. The signatory requirements of Part I.E.5 only apply to the SWMP if it is to be submitted to the Division or to EPA. See Part I.D.2.b.
 - e. **Deadlines for SWMP Changes:** The section on permittee-initiated review and changes to the SWMP has been amended to clearly indicate the deadline by which SWMP changes and implementation are required. Note that this time frame is not a grace period from permit violations. If the original inadequacy constitutes a permit violation, then that violation is not deferred by the timeframe allotted for corrective action. The time limits are those that the Division considers reasonable for making the necessary repairs or modifications, and are included specifically so that inadequacies are not allowed to persist indefinitely. Failure to take the necessary corrective action within the stipulated time limit constitutes an additional and independent permit violation. See Part I.D.2.c.2).
6. Inspections:
- a. **Preventive Maintenance vs. Comprehensive Inspections, Active Mines Only:** The sections on preventive maintenance (Part I.B.4.c) and comprehensive inspections (Part I.D.5) have been changed to emphasize that regular preventive maintenance measures are distinct from specific comprehensive site evaluation.
 - b. The term “**qualified personnel**,” as used in the section on comprehensive inspections, has been defined. See Part I.A.2.b.
 - c. **Inspection Findings:** The section on inspection findings has been changed to emphasize that any repairs or maintenance needs identified by the inspection must be completed immediately. Also, any SWMP changes needed as a result of an inspection must be completed and implemented within 60 days of discovery, as per the section on permittee-initiated SWMP changes. See Part I.D.5.d.
 - d. The term “**significant observations**,” as used in the section on comprehensive inspections, has been defined. See Part I.D.5.d.3.
7. Total Maximum Daily Load (TMDL): A section on TMDLs has been added. This section gives a general outline of the additional requirements that may be imposed if the facility discharges to a waterbody for which a stormwater-related TMDL is in place. See Part I.D.8.
8. Annual Reports: The description of Annual Report requirements has been expanded to clarify that any decrease in inspection frequency due to site inactivity must be explained in the report. Also, the due date for the Compliance Report has changed, to cover a longer part of the permit term. See Part I.E.1.
9. Signatory Requirements: For public entities, the term “duly authorized employee,” as used in the section detailing who may sign reports to be submitted to the Division, has been clarified. See Part I.E.5.a.
10. Record-Keeping: The section describing which records must be maintained and for how long has been clarified. See Part I.E.6.
11. Changes in Discharge: The section on the types of discharge or facility changes that necessitate Division notification has been clarified. See Part II.A.1
12. Non-Compliance Notification: The section on notification to the Division regarding instances of non-compliance has been amended to clarify which types of discharges require notification. See Part II.A.3.
13. CDMG: The name of the Division of Minerals and Geology, or DMG, has been changed to the Colorado Division of Reclamation, Mining, And Safety, or CDRMS, as per state statute. All references to this agency reflect the new name.

Numerous other minor changes were made for clarification purposes only.

II. BACKGROUND

The federal Clean Water Act requires that industrial stormwater discharges be regulated under the National Pollutant Discharge Elimination System (NPDES) program. (Note: the Colorado Program is referred to as the Colorado Discharge Permit System, or CDPS, instead of NPDES.).

The Water Quality Control Division (the Division) has stormwater regulations (5 CCR 1002-61) in place. These regulations specifically include mining operations where stormwater has come into contact with any overburden, raw material, intermediate products, byproducts, finished products or waste products, as industrial facilities which must obtain stormwater discharge permits.

Other federal regulations, specifically 40 CFR subchapter N (mining operations are covered in sections 434, 436 and 440), were developed to control the quality of discharges from mills and mine drainage. Mine drainage is water drained, pumped, or siphoned from active mining areas. This water is generally classified as "process water" and is covered under the pre-existing Colorado Discharge Permit System (CDPS).

A. General Permits

The Division has determined that the use of general permits is the appropriate procedure for handling most of the thousands of industrial stormwater applications within the State.

- 1. Types of General Permits: This general permit covers stormwater discharge from metal mining operations. Other stormwater general permits are available for light industry, heavy industry, auto recycling, sand and gravel mining (and other nonmetallic minerals), construction activities, and coal mines with surface discharge only.*
- 2. Temporary General Permit Coverage: Coverage of most facilities under general permits is the fastest, most efficient means of implementing the program in the short term. However, as described elsewhere in this Rationale, general permit coverage may not be appropriate in the long term for some mining operations with a higher stormwater pollution potential. Therefore, the Division reserves the right to temporarily cover stormwater discharge from mining activities under a general permit, even though individual permit coverage may be more appropriate.*

Certification of these activities under a general permit does not in any way infringe on the Division's right to revoke that coverage and issue an individual permit or amend an existing individual permit, when such specialized facility attention is required.

B. Permit Requirements

This permit does not require submission of effluent monitoring data in the permit application or in the permit itself. The narrative requirements include prohibitions against discharges of non-stormwater. They require dischargers to control and eliminate the sources of pollutants in stormwater through the development and implementation of a Stormwater Management Plan (SWMP). The plan must include Best Management Practices (BMPs), which may include treatment of stormwater discharges along with source reduction.

Discharges of stormwater associated with mining operations must meet all applicable provisions of Sections 301 and 402 of the Clean Water Act. These provisions require control of pollutant discharges to a level equivalent to Best Available Technology Economically Achievable (BAT) and Best Conventional Pollution Control Technology (BCT), and any more stringent controls necessary to meet water quality standards. As per EPA, a fully implemented SWMP will constitute compliance with BAT and BCT. It is believed that BMPs can be adequate to control water quality impacts. If the Division determines that additional requirements are necessary, they may be imposed as follows: 1) at the renewal of this general permit or through an industry-special general permit if the issue is categorical; 2) through direction from the Division based on the implementation of a TMDL if the issue is watershed-based; or 3) if the issue is site-specific, through guidance from the Division, based on an inspection or SWMP review or through an individual permit.

II. BACKGROUND

C. Violations/Penalties

Dischargers of stormwater associated with mining activity, as defined in the Regulations for the State Discharge Permit System (6.1.0), which do not obtain coverage under this Colorado general permit, or under an individual CDPS permit regulating industrial stormwater, will be in violation of the federal Clean Water Act and the Colorado Water Quality Control Act, 25-8-101 et al. For facilities that are covered under a CDPS permit, failure to comply with CDPS permit requirements constitutes a violation. Civil penalties for violations of the CDPS permit or the Act may be up to \$10,000 per day, and criminal pollution of state waters is punishable by fines of up to \$25,000 per day.

III. STORMWATER DISCHARGES ASSOCIATED WITH MINING OPERATIONS

A. Types of Sites Covered

The stormwater regulations require that stormwater discharges associated with certain industrial activities be covered under the permit program. Mining operations are specifically included in the listed industrial activities. This general permit is intended to cover stormwater discharges from most active and inactive metal mines. It is also intended to cover stormwater discharges from mines (e.g., coal mines) which have individual CDPS permits for discharge of process waters.

This permit is intended to authorize most new and existing discharges composed entirely of stormwater from mining operations that are within Standard Industrial Classification (SIC) Code 10 - Metal Mining and Milling, at sites that discharge stormwater only. This category includes active and inactive mining and milling operations, and remediation projects at such sites.

This permit is intended to cover those portions of a metal mining or milling site that are not already subject to effluent limitations under 40 CFR 440. Those previously uncontrolled areas which discharge stormwater that comes in contact with overburden, raw material, intermediate products, byproducts, finished products or waste products may be covered by this permit.

This permit may also be used to cover existing discharges composed entirely of stormwater from any other metal or coal mining operations that are currently covered by an individual CDPS permits for discharge of process water. At the time of reissuance or amendment of the individual CDPS permit, terms and limitation from both permits may be combined into a new individual permit. Table 1 presents the categories of the mining industry and their CDPS Stormwater permit coverage.

The Division intends to continue its practice to cover only one area with each permit certification. As long as the operations or inactive mines are contiguous, one permit certification is sufficient. However, if a mine-waste remediation plan calls for removal of material and disposal at a location away from the mine-waste site, separate permit coverage must be obtained for the disposal site.

B. Mine-Waste Remediation Projects

This permit is intended to authorize most stormwater discharges from mine-waste remediation projects. This permit contains additional SWMP requirements for remediation projects. These are detailed at Part I.C.5 of the permit, and summarized in Section VI.B.2 below. The Division foresees three general cases where permittees will use these provisions:

- 1. Inactive mine sites where the permittee begins a remediation project in order to terminate coverage under an existing permit. In this case, the permittee will amend their SWMP to address the remediation concerns as outlined in Part I.C.5 of the permit, and proceed with remediation. Certification under this permit would be terminated when the termination criteria and other conditions listed at Part I.F of the permit are met.*
- 2. Inactive mine sites where no previous stormwater permit coverage exists, and the owner or a third party (with permission of the owner) plans to remediate the site. In this case, the SWMP would be prepared, including the items in Part I.C.5 of the permit, and the owner or third party would submit the completed permit application. After the permit certification is issued, stormwater discharges from the remediation project would be authorized. Certification under this permit would be terminated when the termination criteria and other conditions listed at Part I.F of the permit are met.*

III. STORMWATER DISCHARGES ASSOCIATED WITH MINING OPERATIONS

3. Inactive mine sites where, in conformance with the Voluntary Cleanup and Redevelopment Act, (CRS 25-16-303), mine-waste remediation projects are undertaken. In this case, the SWMP would be prepared, relying in part on information contained in the Voluntary Cleanup Plan. Once the Voluntary Cleanup Plan is approved by the Hazardous Materials and Waste Management Division, the owner, or third party with permission of the owner, would submit the completed permit application. After the permit certification is issued, stormwater discharges from the remediation project would be authorized. Certification under this permit would be terminated when the termination criteria and other conditions listed at Part I.F of the permit are met.

C. Types of Activities NOT Covered

This permit does not authorize stormwater discharges from other types of regulated industrial activities. Other types of regulated industrial activities that require stormwater discharge permits pursuant to different sections of the regulations [5 CCR 1002-61 Section 61.3(2)(e)(ii)(A-B, D-K)] are covered under separate general permits. Specifically, clearing, grading and excavation activities that are conducted as part of exploration and construction phases of a mining operation cannot be covered under this permit if these activities will disturb one or more acres of land. Instead, coverage for these activities must be under the CDPS General Permit for Stormwater Water Discharges Associated with Construction Activity. If the area of disturbance during the initial phase is less than one acre, the disturbance is covered under the requirements of this permit, especially those concerning sediment and erosion prevention.

This permit also does not authorize the discharge of process water or mine drainage. Applications for process water or mine drainage discharge permits can be obtained from the Permits Section of the Water Quality Control Division at the address listed in Part I.A.3 of the permit. Stormwater which mixes with process water or mine drainage prior to discharge is considered to be process water or mine drainage.

Table 1 - Mineral Industry Stormwater Permit Coverage

SIC Code	Industry Type	General Permit	Note
10	Metal Mining and Milling	COR-040000	(1)
12	Coal Mining	COG-850000	(2)
13	Oil and Gas Extraction (including Oil-shale operations)	COR-010000	(3)
14	Mining and Quarrying of Sand & Gravel (and other Nonmetallic Minerals Except Fuels)	COG-500000	(4)
10, 12	Inactive Metal (and Coal) Mines	COR-040000	(5)
--	Mine-waste Remediation	COR-040000	(6)

Notes:

- (1) This permit, Colorado General Stormwater Discharge Permit for Metal Mining, number COR-040000.
- (2) Stormwater discharges from coal mines with surface runoff only are covered by general permit COG-850000. Coverage for stormwater discharges from coal mines with discharge sources which are authorized under individual CDPS permits, is provided by this permit, Colorado General Stormwater Discharge Permit number COR-040000.
- (3) Stormwater discharges from oil and gas extraction (including oil-shale operations) are covered under the Colorado General Stormwater Discharge Permit for Light Industry, number COR-010000.
- (4) Stormwater discharges from active and inactive sand, gravel and other non-metallic quarrying and mining operations are covered under Colorado General Stormwater Discharge Permit number COG-500000.
- (5) Stormwater discharges from inactive metal and coal mines are covered under this permit, Colorado General Stormwater Discharge Permit number COR-040000.
- (6) Stormwater discharges from mine-waste remediation operations are covered under this permit, Colorado General Stormwater Discharge Permit number COR-040000.

III. STORMWATER DISCHARGES ASSOCIATED WITH MINING OPERATIONS

Although the Office of Management and Budget's North American Industry Classification System is intended to replace the 1987 Standard Industrial Classification Code, Colorado has decided to continue using the 1987 SIC code system as the primary classification system under Colorado's stormwater permits because the stormwater regulations (Colorado Discharge Permit Regulations, Reg. 61) refer to these codes, and because this code system identifies facilities adequately. EPA is implementing the same policy in its Multi-Sector General Permit.

D. Exemption for Pre-operational Mines

Pre-operational mining sites are not required to obtain stormwater mining permits. The definitions of active and inactive mining sites do not include sites where mining claims are being maintained prior to any disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim. Construction stormwater permit requirements apply if more than 1 acre of land is disturbed, including clearing, grading and excavation (see CDPS General Permit number COR-030000).

As clarification, claims on land where there has been past extraction, beneficiation, or processing of mining material, but there is currently no active mining, are considered inactive sites and are subject to stormwater regulations.

E. Exemption for Uncontaminated Stormwater

The Division does not require a permit for discharges of stormwater that do not contact any overburden, raw material, intermediate products, byproducts, finished products or waste products located at the mining operation. Only stormwater discharges that comes into contact with any overburden, raw material, intermediate products, byproducts, finished products or waste products located at the mining operation must be included in the permit.

F. Exemption for Reclaimed Mines

Mines that have met certain reclamation conditions are not required to obtain a stormwater discharge permit. Coal mining operations which no longer meet the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released are not required to obtain stormwater discharge permits. Non-coal mining operations which have been released from applicable state or Federal reclamation requirements after December 17, 1990 are also not required to obtain stormwater discharge permits. However, the Division may designate such reclaimed sites as requiring a stormwater permit if the discharge is a significant contributor of pollutants to waters of the State.

IV. APPLICATION AND CERTIFICATION

Certification under the permit requires submittal of an application. Upon receipt of all required information, the Division may allow or disallow coverage under the general permit. See Parts I.A.3 and I.A.4 of the permit for an outline of the application requirements and applicable time frames.

At least thirty days prior to the anticipated date of discharge, the owner (or operator when the owner does not operate the facility) of the mining or remediation operation shall submit an application to the Division. (Note: Under the Federal regulations, this is referred to as a Notice of Intent, or NOI. For internal consistency with its current program, the Division will continue to use the term "application.") If this general permit is applicable, then a certification will be developed and the applicant will be certified under this general permit.

V. TERMS AND CONDITIONS OF PERMIT

A. Prohibition on Non-stormwater Discharges

The permit includes a list of allowable non-stormwater discharges. These have been determined to be generally insignificant sources of water pollution, and do not need to be covered under an individual discharge permit.

V. TERMS AND CONDITIONS OF PERMIT

B. Stormwater Management Plan (SWMP) Requirements

The purpose of a SWMP is to identify possible pollutant sources to stormwater and to set out best management practices (BMPs) that, when implemented, will reduce or eliminate any possible water quality impacts. SWMPs shall include BMPs that are selected, installed, implemented and maintained in accordance with good engineering practices to minimize pollutants in the discharge so that the discharge will not cause or contribute to an excursion above any applicable water quality standard. (The plan need not be completed by a registered engineer.) The Division has a guidance document available on preparing a SWMP. The document is on the Division's website at www.cdphe.state.co.us/wq/PermitsUnit.

*The plan identifies potential sources of pollution (including sediment) which may reasonably be expected to affect the quality of stormwater discharges associated with mining or remediation operations. In addition, the plan describes practices which will be used to reduce the pollutants in stormwater discharges from the mining or remediation operation, and to assure compliance with the terms and conditions of this permit. **Facilities must implement the provisions of their SWMP as a condition of this permit.***

*The SWMP requirements have been amended in this permit. See Section I.A.5 of the Rationale for a discussion of the changes. **Note that some permittees will need to amend their plan to comply with the additional requirements for the SWMP site map, SWMP administrator, and some pollution prevention measures.***

***Submittal of the SWMP is not automatically required under this permit.** However, the Division may require submittal upon request, and review the SWMP and require additional measures to prevent and control pollution. It is the Division's intent to request submission of such reports on a selective basis to determine compliance. See Part I.B. of the permit for a more detailed description of SWMP requirements for active mines and Part I.C of the permit for inactive mines and remediation projects.*

1. SWMP For Active Mining Operations - Contents

- a. Description of mining activities
- b. Area subject to effluent limitations guidelines
- c. Site map
- d. Stormwater management controls
 - 1) SWMP Administrator
 - 2) Identification of potential pollutant sources and BMPs
 - 3) Preventive maintenance
 - 4) Good housekeeping
 - 5) Spill prevention and response procedures
 - 6) Employee education
 - 7) Identification of discharges other than stormwater
- e. Comprehensive inspection

2. SWMP For Inactive Mining Operations - Contents

- a. Description of mining activities
- b. Site map
- c. Stormwater management controls - Identification of potential pollutant sources and BMPs
 - 1) SWMP Administrator
 - 2) Identification of potential pollutant sources and BMPs
- d. Comprehensive inspection

Inactive mining sites that have non-mining activity occurring (such as remediation) must also evaluate the other potential sources listed in Part I.B.4.b, and must include in their SWMP the items listed in Parts I.B.4.c, d, e, f and g, as applicable.

V. TERMS AND CONDITIONS OF PERMIT

Additional SWMP Requirements for Sites Seeking Mine Remediation/Permit Terminations. In the event that the permittee wishes to remediate an inactive mine site and terminate permit coverage, prior to remediation activities, the SWMP must be amended to include the following items, and the permittee must notify the Division of the change in status.

- e. Additional Items
 - 1) Documentation of land owner permission)
 - 2) Photographs
 - 3) Description of remedial action to be performed
 - 4) Description of BMPs during remediation activities
 - 5) Procedures for disposal of any water stored within mine waste
 - 6) Description of permanent BMPs to be used, final site stabilization, and ultimate land use

3. SWMP Development, Coordination and Format

Some activities required under the SWMP may already be in place. However, the SWMP will require the permittee to coordinate these activities with any necessary new activities in an orderly manner, so that the result is the reduction or elimination of pollutants reaching state waters from areas not limited by numeric effluent limitations.

It is the permittee's responsibility to notify the Colorado Division of Reclamation, Mining, And Safety, or CDRMS (formerly the Division of Minerals and Geology, or DMG) of any changes at their site resulting from the implementation of the SWMP. This notification allows the CDRMS to review the SWMP and incorporate any potential revisions which might be needed into the facility's reclamation permit. It is important to verify that the site reclamation permit matches the SWMP. Such information is usually contained in Exhibit G of 110 reclamation permits.

The SWMP may rely upon information developed for other similar pollution control programs such as the SPCC (Spill Prevention Control and Countermeasures) plan, Voluntary Cleanup Plan, or the Mined Land Reclamation Plan. Appropriate portions of these other plans may be incorporated in the SWMP by reference, as long as a **complete** SWMP can be reproduced and submitted to the requesting agency within the time frame specified in the request. Those portions of the referenced documents **must** be included in the submittal. The SWMP must also be readily available to an on-site inspector.

C. Comprehensive Facility Inspections

For **active mining operations**, the permittee shall make a thorough inspection of their stormwater management system, at least twice per year (in the spring and fall), as detailed in Part I.D.5 of the permit. These inspections must be documented and summarized in the Annual Report (see Part I.E.1 of the permit).

For **inactive mining operations**, a thorough inspection of the stormwater management system is required at least once per year. Where annual inspections of inactive mines are impracticable, an inspection and certification of compliance are required once every three years by a Registered Professional Engineer, as detailed in Part I.D.5 of the permit. These inspections must be documented and summarized in the Compliance Report (see Part I.E.1 of the permit).

For **remediation projects**, the permittee shall make a thorough inspection of their stormwater management system at least once per year (during the field season). Where annual inspections of inactive mines are impracticable, an inspection and certification of compliance are required once every two years. These inspections must be documented and summarized in the Annual Report (see Part I.E.1 of the permit).

D. Reporting Requirements

- 1. **Reporting - Active Mining Operations:** The permittee will be required to submit an Annual Report, covering January 1 through December 31 of each year, on their compliance with the SWMP. The Annual Report will be due to the Division on or before February 15 of the following year (see Part I.E.1 of the permit).

V. TERMS AND CONDITIONS OF PERMIT

2. Reporting - Inactive Mining Operations: The permittee will be required to submit a Compliance Report. The report will be due to the Division on or before February 15, 2011, and will cover the period of time from permit certification under this permit, to December 31, 2010 (see Part I.E.1 of the permit).
3. Reporting - Remediation Projects: The permittee will be required to submit an Annual Report, covering January 1 through December 31 of each year, on the compliance with the SWMP. The Annual Report will be due to the Division on or before February 15 of the following year (see Part I.E.1 of the permit).

All reports required for submittal shall be signed and certified for accuracy by the permittee. (See Part I.E.5 of the permit.)

E. Monitoring

Sampling and testing of stormwater for specific parameters is not required on a routine basis under this permit. However, the Division reserves the right to require sampling and testing, on a case-by-case basis, in the event that there is reason to suspect that compliance with the SWMP is a problem, or to measure the effectiveness of the BMPs in removing pollutants in the discharge.

F. Record-keeping

The permittee for active mining operations shall retain a copy of the SWMP required by this permit at the mining site for the duration of this permit. The permittee for inactive mining operations or mine-waste remediation sites shall retain a copy of the SWMP required by this permit, for the duration of this permit. See Part I.E.6 of the permit.

G. Annual Fee

All permittees are required to pay the annual permit administration fee, as described in the Colorado Water Quality Control Act. (See Part II.B.10 of the permit.)

H. Termination of Permit Certification

When a site has been reclaimed in accordance with the Colorado Division of Reclamation, Mining, And Safety, or CDRMS (formerly the Division of Minerals and Geology, or DMG) requirements and the site has been released from State reclamation requirements, the operator of the facility may request termination. The requirements for termination are described in Part I.F of the permit.

In the case where the site has no CDRMS permit, certification under this permit may be terminated once raw material, intermediate products, byproducts, finished products or waste products have been permanently removed or isolated from stormwater and the site has been stabilized (with little evidence of soil erosion or other runoff problem) and revegetated. Specific criteria are listed in Part I.F. of the permit.

Continued coverage may be required after reclamation or remediation is complete if the Division has shown or has reason to suspect that the stormwater discharge contributes to a violation of a water quality standard.

I. Duration of Permit

The general permit shall not exceed five years in duration. In this case the expiration date is set for September 30, 2011. The permittee's authority to discharge under this permit is approved until the expiration date of the general permit. Any permittee desiring continued coverage under the general permit must apply for recertification under the general permit at least 90 days prior to its expiration date.

Kathryn Dolan
June 15, 2006

VI. RESPONSE TO PUBLIC NOTICE COMMENTS

The Division received comments on the proposed amendment from the Environmental Protection Agency. Based on these comments and Division review, the following changes/clarifications were made to the renewal permit and Rationale:

A. Heap Leach Pads

The requirement in Part I.B.3 and Part I.C.2 of the permit to include areas of outdoor manufacturing in the SWMP site map was further clarified to specifically require the inclusion of heap leach pads.

B. Construction Activities

It was clarified that construction activities disturbing one or more acres of land are not covered under the permit. See Section III.C of the Rationale.

C. Non-Stormwater Discharges

Several new sources were added to the list of allowable non stormwater discharges in Part I.D.3 of the permit in accordance with the sources that are allowed under EPA's stormwater multi sector general permit. After further review, the Division has determined that sufficient information is not available at this time to justify permitting these additional sources under a stormwater general permit that relies on BMPs instead of numeric effluent limits for protection of water quality. Therefore, the new sources have been removed from the renewal permit.

*Kathryn Dolan
August 22, 2006*